

## IN THE NEWS

## Dress rehearsal for fence debate

Israel's High Court of Justice heard petitions against the West Bank security fence.

A three-justice panel weighed arguments Monday that the fence violates the rights of Palestinians whose lands were appropriated for the fence's construction.

The state defended the fence as a deterrent to Palestinian terrorists. Justice Ministry sources said prosecutors saw the session in Jerusalem as a "dress rehearsal" for defending Israel's policies at the International Court of Justice at The Hague, where hearings on the fence's legality are scheduled for Feb. 23.

## Two Palestinian terrorists are killed

Israeli forces killed two Palestinian terrorists in the West Bank. Witnesses said a squad of undercover commandos shot dead a member of the Al-Aksa Brigade in the West Bank city of Jenin on Monday.

In Gaza, medics recovered the body of a Hamas gunman who was killed overnight while trying to sneak into Netzarim, a Jewish town in Gaza.

## Ford undertakes review of grantee

The president of the Ford Foundation told the Anti-Defamation League that the foundation is reviewing the status of another grantee.

Speaking to the ADL's national executive committee last Friday in Palm Beach, Fla., Susan Berresford said Ford is reviewing the Habitat International Coalition.

ADL has raised concerns that HIC has distributed anti-Israel materials.

Following a JTA investigative series last fall showing that some Ford grantees had sponsored anti-Semitism and virulently anti-Israel rhetoric, the Ford Foundation instituted a review of all grantees.

# WORLD REPORT

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## As Hague case approaches, Israel girds for legal and PR battle

By LESLIE SUSSER

**J**ERUSALEM, Feb. 9 (JTA) — Israel claims that the International Court of Justice has no jurisdiction to rule on the West Bank security barrier — but at the same time the government is preparing detailed legal, security and diplomatic arguments and an intensive public-relations campaign.

The government also announced this week that it may well make significant changes in the fence's route ahead of the Feb. 23 proceedings at The Hague.

In the run up to the hearing, two major decisions will be made that could have a bearing on the case: whether it's better to dispatch an Israeli legal team to appear at the ICJ or to rely on a written affidavit, and whether to alter the fence's route for humanitarian reasons.

Most top Israeli officials are against sending a legal team on the grounds that it would imply the very recognition of the ICJ proceedings that Israel is at such pains to deny.

As for the route of the fence, there could be changes before the issue reaches The Hague. In an address Sunday to the 40th Munich Conference on Security Policy, Israel's new national security adviser, Giora Eiland — who has been given a free hand by Prime Minister Ariel Sharon to draft a new route for the fence — declared that Israel had not fully taken into account the way the barrier could disrupt Palestinian lives.

Israel will do what it can — possibly even changing the fence's route — to avoid causing unnecessary suffering, Eiland said.

Following Palestinian claims that the fence, being built in places on West Bank ter-

ritory, is illegal, the U.N. General Assembly passed a resolution in December asking the ICJ for an "advisory opinion."

The United Nations followed that up with a 600-page affidavit that, according to Israel's U.N. ambassador, Dan Gillerman, ignores the basic reason for building the fence: Palestinian terrorism.

Israel responded by questioning the competence of the court, the wisdom of a court action and the neutrality of one of the 15 judges, an Egyptian who previously has expressed anti-Israel views.

The legal-diplomatic brief, drafted by British-based international law expert Daniel Bethlehem, rejects the court's authority as well as "the propriety of the process."

In a 131-page affidavit, Bethlehem maintains that the court has no right to rule on what is basically a political dispute, and that doing so will undermine political efforts to resolve the Israeli-Palestinian conflict.

A court ruling most likely will drive the parties to adopt more radical positions and thus will make political negotiations less likely, the argument goes. It will undermine diplomatic initiatives like the internationally approved "road map" peace plan and cause more suffering and hardship, Israel will argue. In other words, Israel says, the court is an inappropriate forum for dealing with a political conflict.

This argument already has struck a receptive chord. Several dozen countries, including the United States, Russia, Canada, Australia, South Africa, all 15 European Union members and the 10 waiting to join, have submitted affidavits rejecting the court's

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## ■ Israel prepares for a fight as The Hague jumps on the fence

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jurisdiction on the grounds that a hearing would do more harm than good.

To back up the legal-diplomatic argument, Israel also is preparing a detailed security brief. A team under the defense minister's adjutant, Brig. Gen. Mike Herzog, is putting the finishing touches on a three-part document that describes the terrorist onslaught that led Israel to build the fence, explains the thinking behind the route and outlines its effectiveness at preventing terrorism.

Noting the number and nature of Palestinian suicide bombings, the document invokes Israel's inherent right to self-defense according to Article 51 of the U.N. charter. It also defines the Palestinian intifada as a "hostile confrontation" that entitles Israel to take forceful measures, such as building a fence in disputed or occupied territory. Israelis' right to life, the document argues, takes precedence over Palestinians' right to freedom of movement.

In his Munich address, Eiland explained that Israel decided to build the fence in the spring of 2002, after 135 Israelis were killed in 17 suicide attacks in a single month. He underlined how effective it already has proven: In the sector where the fence is complete, only three Israelis were killed last year, compared to 58 the year before.

Even if Israel decides not to dispatch legal experts to appear in court, it will send a public-relations team to The Hague.

There also will be an exhibit recalling the June 2001 bombing of Tel Aviv's Dolphinarium disco — in which 21 young Israelis were killed — as well as the gutted hulk of a bombed Jerusalem bus.

The main thrust of the Palestinian case is that the fence is not being built exclusively on Israel's own territory, and that it causes humanitarian problems for hundreds of thousands of Palestinians.

On the territorial issue, Israel has developed a two-pronged legal argument. First, Israel argues, the U.N.'s use of the term "occupied Palestinian territory" is questionable because the West Bank never legally belonged to the Palestinians. Rather, Israel argues, the land should be considered "disputed territory" in which Israel, one of the disputing parties, has rights.

Moreover, Israeli officials say, even if the term "occupied territory" is granted, an occupier facing armed hostilities has the right to take defensive measures.

On the humanitarian issue, Israel has another two-pronged claim. The argument in principle is that saving human life takes precedence over non-lethal hardship. But Israel now adds that it intends to do all it can to relieve Palestinian suffering, even if that means building the fence closer to the pre-1967 boundary between Israel and

the West Bank, known as the Green Line.

Indeed, Eiland is working on a new route that will take the fence closer to the Green Line and not snake around some Palestinian villages, cutting them off from both Israel and the West Bank.

The problem of the "ringed villages" is most acute in Jerusalem. Human rights activists contend that it is not only inhumane but self-defeating. The misery it causes will spawn even more suicide bombers, they say.

Eiland and others in Sharon's circle now say that the rings will not be built, alleviating humanitarian problems and

reducing the length of the fence by as much as 125 miles.

The bottom line is that for all its detailed preparations, Israel sees the ICJ more as a public-relations battle than a legal one. Indeed, if the court decides to proceed with the case and ultimately deems the fence illegal, Israel almost certainly will ignore the non-binding advisory opinion and will go on building it.

The detailed preparations and presentations, then, are mainly intended to build understanding for Israel in the international community if and when the court rules against the fence.

*(Leslie Susser is the diplomatic correspondent for the Jerusalem Report.)*

Israel says the court is an inappropriate forum for dealing with a political conflict.

## Argentine Jewish film up for prize

BUENOS AIRES (JTA) — The story of a Jewish family working at a tiny commercial gallery in Buenos Aires has made its way to Berlin.

Daniel Burman's "A Lost Embrace" is one of 26 movies competing for the main prize in the prestigious Berlin Film Festival, which began Feb. 5 and runs through Feb. 15.

"I will be in the same category as Ken Loach or Erich Rohmer. It's breathtaking," Burman, 30, an emerging director of what is known as the New Argentine Cinema, told JTA in an interview before departing for Germany.

Burman's film tells the story of Elias Makaroff, who leaves for Israel to fight in the Yom Kippur War right after attending the bris of his second son, Ariel. The fa-

ther never returns from the war. The film then finds Ariel as an adult, still waiting for the embrace of his father. Ariel works at his mother's struggling underwear shop in a highly Jewish neighborhood of Buenos Aires known as Once.

"The film shows a dilemma: There is a man that gives his life for an ideal but is unable to sustain his own family," said Burman, who is married and has a 15-month-old son, Eloy. "The family is a strangely difficult enterprise."

As for his own life, Burman is the son of two lawyers, and his brother is a lawyer as well.

"I'm the poet of the family," he said with a laugh. "But I'm not some airy dreamer. I own a company."

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# Lieberman eyed as Jewish groups look for leaders

By JOE BERKOFSKY

NEW YORK (JTA) — It's not exactly the White House, but would Joseph Lieberman consider taking over one of America's premier Jewish organizations?

Officials at the World Jewish Congress say Lieberman's name has been raised in talks about leadership changes.

In addition, sources in the Jewish federation world say Lieberman has been mentioned as a possible successor to Stephen Hoffman, who is due to step down in June as president and CEO of the United Jewish Communities, the federation umbrella organization.

However, neither group officially has spoken with Lieberman, 64, the senator from Connecticut who earlier this month ended his bid for the Democratic presidential nomination after disappointing showings in the early primaries.

"I've heard people mention Joe Lieberman, but I have no idea how serious that is," said Elan Steinberg, the WJC's executive vice president. "It may not be that serious at all, given that until two days ago he was seeking the real presidential nomination."

Matt Gobush, a Lieberman spokesman, said Lieberman hasn't fielded formal offers from any Jewish group, and currently plans to return to the Senate.

"He is focused on serving the people of Connecticut in the Senate and continuing to play a leading role on the national stage," Gobush said.

Picked as Al Gore's vice-presidential candidate in 2000, Lieberman last year became the first viable Jewish candidate for president and, for a very short time, enjoyed front-runner status in the Democratic field.

His candidacy ultimately failed to catch fire even in the Jewish community, but that hasn't stopped WJC officials and some in the federation system from viewing him as a potential leader.

In some ways, it would be the inverse of the experience of Frank Lautenberg, who served as chairman of the United Jewish Appeal in the 1970s before going on to become a senator from New Jersey.

In October, the UJC formed a committee to replace Hoffman, who is completing a three-year stint at the UJC's helm.

Robert Goldberg, the UJC board chairman who is heading the leadership search committee, said no candidates have been selected and the search is not due to end until March.

"We have not had one interview yet," he said.

UJC spokesman Glenn Rosenkrantz said the organization won't discuss the possibility that it might seek to reach out to Lieberman.

"No announcement on succession is imminent, and it would be irresponsible to comment on speculation," he said.

Still, one insider said Lieberman's name surfaced in some circles during the UJC's General Assembly in Jerusalem last November.

Meanwhile, Jerry Benjamin, vice presi-

dent of the Milwaukee Jewish Federation, voiced support for Lieberman.

"If we were to reach outside the system, there would be no better candidate in the United States than Joe Lieberman," he said.

Speculation on Hoffman's successor so far has focused on several Jewish federation heads rather than someone outside the federation world.

Meanwhile, the 67-year-old WJC, a New York-based association of more than 100 Jewish communal organizations from around the world, is undergoing upheaval of its own.

The WJC formed a task force last November to oversee a reorganization that the WJC's chairman, Rabbi Israel Singer, called a "top-to-bottom overhaul" that would include new executives and a new charter.

Edgar Bronfman, a major Jewish philanthropist and former executive of the Seagram Company, who became WJC president in 1981, said last year that he would step down before the group's next plenary assembly in 2006 after five terms.

The overhaul partly is an attempt to produce a more democratic, open elective system, Steinberg said.

He expects that candidates to succeed Bronfman will begin emerging about a year from now, and they will face an election during the 2006 plenary.

A Lieberman candidacy, he said, "would be one of the most fascinating developments in Jewish organizational life."

(JTA staff writer Rachel Pomerance contributed to this article.)

## Students plan trip to The Hague to defend Israel's fence

By TOBY AXELROD

BERLIN (JTA) — The largest international Jewish student organization has announced that it will send protesters when the International Court of Justice considers the legality of Israel's West Bank security fence later this month.

The Jerusalem-based World Union of Jewish students, which represents hundreds of thousands of Jewish students worldwide, is coordinating a "silent protest march" on Feb. 23, the day of the fence hearings at The Hague, "to speak about our views," WUJS President Peleg Reshef told JTA.

The Brussels-based European Union of Jewish Students has begun calling member organizations to galvanize support for the protest. In Berlin and London, Jewish student groups are calling on members to fill buses for the event.

"The point we are trying to make is if you bring the fence to

the international court in the Hague we think you should speak about and bring to justice and trial the situation of terror and the horrific reality that Jewish people are experiencing in Israel," Reshef said, adding that he had been in touch with Jewish student groups in Europe to help coordinate the action. "We feel that Jewish students today have a lot to say and a lot to contribute to these events."

At the headquarters of the EUJS, project director Adam Mouchtar, 27, has been busy for two days, calling Jewish student groups in Belgium and Germany to coordinate buses to The Hague. There are some 175,000 Jewish students in Europe, he estimated.

Uriel Kashi, 28, director of EUJS' German branch, told JTA that at least six buses would go to the protest from across Germany.

"If you talk about the wall, you have to talk about the terror as well," he said.

# NEWS IN BRIEF

## NORTH AMERICA

### Helsinki plan for Arabs?

The United States wants to promote democracy in the Middle East through Helsinki agreement-type incentives.

The plan, which President Bush could present in June at the G-8 summit of leading industrial nations, would offer trade and security incentives to Arab countries that introduce political reforms, The Washington Post reported Monday.

In that way, the initiative would emulate the Helsinki agreement of 1975, which led to much stricter monitoring of human-rights compliance in the Soviet bloc.

However, the new initiative would not employ Helsinki's strict monitoring, to avoid the perception that the West was dictating terms to the Arabs.

### U.S. condemns Palestinian trial

The United States strongly condemned the military trial of four Palestinians accused of murdering three people in a U.S. diplomatic convoy.

The Oct. 15, 2003, bombing of the convoy that included John Wolf, the senior U.S. envoy to the Middle East, soured U.S.-Palestinian relations.

Wolf did not return to the region until two weeks ago.

After criticizing the Palestinians' laxity in investigating the attack, the U.S. State Department said the current effort — a closed-door trial held with no charge sheet and no advance notice — did not meet serious standards of justice.

### Peanuts, pretzels or Jesus?

A commercial pilot on an American Airlines flight suggested that non-Christians learn about Christianity.

On a flight from Los Angeles last Friday, the pilot asked Christians aboard to raise their hands, and suggested that they spend the flight discussing religion with other passengers.

The pilot then called non-Christians "crazy," a passenger claimed. Many passengers tried to use their cell phones to call relatives on the ground before flight attendants reassured them.

The pilot, who recently had returned from a mission to Costa Rica, apologized for his remarks later in the flight.

### Sephardi wins da prize, mon

The winner of a Grammy for best reggae album comes from a family of Sephardi Jews living in Jamaica.

Sean Paul's "Dutty Rock" was awarded a Grammy on Sunday night.

His father's family are Jews from Portugal who immigrated to Jamaica in the mid-1600s.

Paul, 30, attended Jamaica's Hillel Academy, a nondenominational school sponsored by the country's Jewish community.

His mother is of Chinese-Jamaican heritage.

### Gibson: Film not anti-Semitic

Mel Gibson denied that his controversial new movie about the death of Jesus is anti-Semitic.

"I've shown it to many Jews and they're like, 'It's not anti-Semitic.' It's interesting that the people who say it's anti-Semitic say that before they saw the film, and they said the same thing after they saw the film," Gibson said Saturday of "The Passion of the Christ." Gibson spoke before 3,800 invited guests at an evangelical university near Los Angeles.

Gibson's film, which opens Feb. 25, is expected to gross up to \$30 million in the first five days, the Los Angeles Times reported.

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### Koch to lead anti-Semitism conference

Ed Koch will lead the U.S. delegation to a European anti-Semitism conference.

The former New York City mayor will lead the delegation to the April 28-29 conference in Berlin, sponsored by the Organization for Security and Cooperation in Europe. The second OSCE conference on anti-Semitism is expected to focus on ways the OSCE and nongovernmental organizations can promote tolerance among the organization's 55 countries.

### Oral history project funded

An Internet-based oral history project of Eastern European Jews received a grant from the Hungarian government. Centropa.org, which will combine interviews of elderly Eastern European Jews with their family photographs, received a grant of approximately \$96,000.

The money will allow Centropa's historians to create a Hungarian-language Web site that will include an interactive map, as well as Web-based and DVD-based mini-documentary films.

The Hungarian site, [www.centropa.hu](http://www.centropa.hu), is related to the institute's main site, [www.centropa.org](http://www.centropa.org), and will be operational by May 2004.

### Don't know much about the Holocaust

An increased number of Hungarians believe that Jews try to make use of their persecution during the Holocaust, a new poll says.

Some 35 percent of 1,000 people surveyed in November agreed with that claim, as opposed to 26 percent who agreed with it in 1995. But an increased number of people — 57 percent as opposed to 52 percent in 1995 — agree that Hungarians also are culpable for the Holocaust. One-third of respondents said they don't know when the Holocaust took place.

### Nazi-looted painting returned

The Canadian Jewish Congress praised the National Gallery of Canada for returning a looted painting to its rightful heirs. The gallery, which had purchased Edouard Vuillard's "Le Salon de Madame Aron" from a Paris gallery in 1956, determined that the Nazis had looted the painting from a bank vault.

The gallery returned the work to the descendants of Jewish Parisian art dealer Alfred Lindon.

### Russian synagogue attacked

Molotov cocktails were thrown recently at a synagogue in the Russian city of Chelyabinsk.

The attack took place on the night of Feb. 4, the Union of Councils for Jews in the Former Soviet Union reported, citing a local news agency.

## MIDDLE EAST

### Ariel Sharon hospitalized

Ariel Sharon is to undergo treatment for stones in his urinary tract, Israeli officials said.

The Israeli prime minister, 75, was to be admitted to a hospital Monday for the stones to be treated using ultrasound waves, a non-invasive procedure that allows him to be released by evening.

### Poll: Palestinians don't back violence

Palestinian support for violence and suicide bombings is dropping, according to a new poll. Thirty-five percent of respondents to the poll back continuing violence, down from 43 percent in November and 73 percent in November 2000.